

CEPAT/AMH/001/15/0000/393635/1

H/W

May 7, 2003

PATENT APPLICATION

Docket No. 1855 1004-002 (LKS94-04A2)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

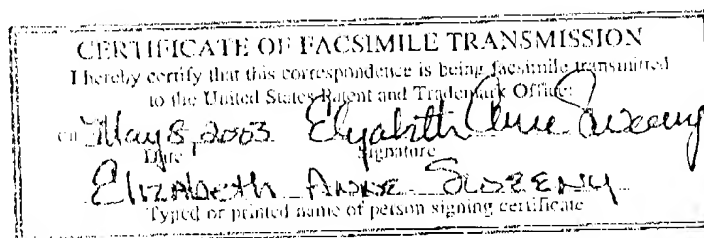
Applicant: Michael J. Briskin, Douglas J. Ringler, Dominic Picarella and  
Walter Newman

Application No.: 08/875,849      Group Art Unit: 1644

Filed: September 8, 1997      Examiner: R. Schwadron

Continuation No.: 4411

For: MUCOSAL VASCULAR ADDRESSINS AND USES  
THEREOF



REPLY TO OFFICE COMMUNICATION AND NOTICE TO COMPLY  
WITH 37 C.F.R. §§1.821-1.825

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is submitted in response to the Office Communication and Notice to Comply with Requirement for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures attached thereto, mailed from the Patent Office on April 9, 2003. A copy of the Notice to Comply is enclosed.

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The reasons for issuing a Notice to Comply are set forth in the Office Communication. Referring to the primers disclosed in the specification at page 71 (SEQ ID NOS:12 and 13), which are taught to contain "a portion complementary" to coding strand nucleotides at certain positions in SEQ ID NO:1 (specification, at page 71, lines 8-10 and lines 16-19), the Examiner states:

[T]he sequence Listing needs to disclose that said sequences is [sic] "antisense", because said sequence is a 5' to 3' representation of an antisense sequence. This information can be listed in the pre-July 1998 format (as per the instant sequence listing) in section (2) of the sequence listing (INFORMATION FOR SEQ. ID NO:) as depicted in the M.P.E.P. section 2424 (Rev. 3, July 1997, page 2400-29).

Applicants respectfully disagree that the Sequence Listing must disclose that SEQ ID NOS:12 and 13 are "antisense." 37 C.F.R. § 1.823(b) sets forth the mandatory, recommended and optional elements of the Sequence Listing and provides that:

The submission of those items of information designated with an "M" is mandatory. The submission of those items of information designated with an "R" is recommended, but not required.

37 C.F.R. § 1.823(b) (see M.P.E.P. § 2424, at page 2400-28; see also M.P.E.P. § 2424.02, at page 2400-31, col. 1 (Rev. 3, July 1997)). Subsection (iv), reproduced below, is one of the elements which may be included in Section "(2) INFORMATION FOR SEQ ID NO:X" as set forth in 37 C.F.R. § 1.823(b):

(iv) ANTI-SENSE (yes/no - R):

37 C.F.R. § 1.823(b) (see M.P.E.P. § 2424, at page 2400-29, at col. 2)(emphasis added). Inclusion of information regarding the "anti-sense" nature of a sequence is recommended, but not required, since this item of information is designated with an "R." A substitute Sequence Listing

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should not be required for information which is "not required" by the express language of the applicable rule. Reconsideration and withdrawal of the requirement to submit a substitute Sequence Listing is respectfully requested. The Examiner is urged to act on the merits of the case in the next communication.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Date: May 8, 2003

Application No.: 08/875849**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 11250, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: see enclosed communication

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

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